



Signed and Filed: November 10, 2022

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case
PETER R. FADER,) No. 08-30119-DM
Debtor.) Chapter 7
Date: November 15, 2022
Time: 11:30 AM
Via Tele/Videoconference
www.canb.uscourts.gov/calendars

MEMORANDUM DECISION ON COMPROMISE AND RELATED MOTIONS

The court has reviewed the *Trustee's Motion to Approve Compromise of Adversary Proceeding Against Steven R. Boal and Quotient Technology Pursuant to FRBP 9019* (the "Compromise Motion") (Dkt. 100), *Trustee's Motion for Order Authorizing Payment of Estate's Post-Petition Tax Obligations* (the "Tax Motion") (Dkt. 108), and the *Application of The Meade Firm P.C. and Dontzin Nagy & Fleissig LLP as Special Litigation Counsel for Allowance and Payment of Contingency Fees for Services Rendered and Reimbursement of Expenses* (the "Application") (Dkt. 112). The Compromise Motion resolves the issues presented in *Schoenmann v. Boal*, Adv. Proc. 20-3007. The Application

1 describes services rendered by counsel on behalf of Plaintiff,
2 E. Lynn Schoenmann, Trustee, in that adversary proceeding.

3 No objections have been filed to any of them.

4 As to the Compromise Motion, this was a hard-fought battle
5 among determined litigants represented by very able counsel.
6 The Trustee has carried her burden under *In re A & C Properties*,
7 784 F. 2d 1377 (9th Cir. 1986) that not only is the settlement
8 reflected in the Compromise Motion within the range of
9 reasonableness, but that approval is in the best interests of
10 creditors who probably assumed over ten years ago that this
11 Chapter Seven case was a lost cause and that they would never
12 receive a cent from this no asset case.

13 As to the Application, the contingency fee was very much
14 that, and counsel took an enormous risk in undertaking this
15 litigation. Their fees are justly earned and deserved. The
16 Trustee's request to pay the estimated tax liabilities in the
17 Tax Motion is unusual but appropriate under the circumstances.

18 The hearings on all three matters are DROPPED from the
19 November 15, 2022, calendar, and counsel for the Trustee should
20 upload orders granting the Compromise Motion and the Tax Motion,
21 and special counsel for the Trustee should upload the order
22 granting the Application.

23 As a point of personal privilege, the court extends its
24 congratulations and appreciation for a job well-done to counsel
25 for both sides for their tenacity and fine representation of
26 their clients, while maintaining their professionalism,
27 cooperation and good will during this extended battle, and to
28 the Trustee, Mr. Fader and Mr. Boal for reaching a fair and

1 reasonable solution rather than prolonging the battle and the
2 corresponding uncertainty, expense and delay.

3 *** END OF MEMORANDUM DECISION **
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COURT SERVICE LIST

ECF Recipients